

City of London (Markets) Bill

EXPLANATORY MEMORANDUM

This Bill provides for the relocation of Billingsgate Market and the London Central Markets (“the markets”) to a new site (“the new site”) in the London Borough of Barking and Dagenham and for connected purposes. The markets are owned and operated by the City of London Corporation (“the Corporation”).

Clause 1 provides the short title of the Bill.

Clause 2 defines certain expressions used in the Bill and introduces *Schedules 1 and 2*, which list the existing Acts of Parliament relating to the markets which are to apply to the markets at the new site.

Clause 3 enables the Corporation to fix a day for either of the markets to move, which, in respect of each market, is referred to as the “appointed day”.

Clause 4 requires the Corporation to publish at least 90 days’ advance notice of an appointed day on its website and in a newspaper circulating in the City of London, the London Borough of Barking and Dagenham and, in respect of Billingsgate Market, the London Borough of Tower Hamlets.

Clause 5 provides for the moves to the new site and certain legal consequences that result from the moves. *Subsection (1)* provides that from the appointed day in respect of a market, the new site is the site of that market; the land comprising the existing site of that market is released from restrictions, rights or obligations arising from its status or use as a market, and the existing Acts of Parliament listed in *Schedule 1* or *Schedule 2* apply to that market on its new site.

Subsection (2) provides for the removal of restrictions relating to the London Central Markets from the appointed day.

Clause 6 places a duty on the Corporation to offer accommodation at the new site in certain circumstances to traders at the existing markets, and other persons whose business is related to the trade of those markets. *Subsection (1)* requires the Corporation to offer accommodation within the new site to persons occupying under specified types of lease, immediately before the passing of the Act, any part of the site of a market to which the appointed day relates.

Subsection (2) provides that accommodation offered must so far as reasonably practicable enable the person to carry on a business comparable to the business carried on at the existing site. *Subsection (3)* allows for an offer to be withdrawn if not accepted by the trader within 28 days. *Subsection (4)* provides that the duty in *subsection (1)* does not apply to a person who has entered into a written agreement with the Corporation for a lease at the new site prior to the passing of the Act.

Clause 7 provides a power for a person authorised by the Corporation to give traffic directions on the new site.

Clause 8 is a power for the Corporation to determine that land forming any part of the new site not required for the purposes of any of the markets should no longer form part

of the new site and fix a date when this is to happen; and that from that date the land is released from any restriction due to its status or use as a market.

Clause 9 is a power for the Corporation to incorporate adjoining land into the new site.

Clause 10 provides the Corporation with powers in respect of the new site. *Subsection (1)* provides powers to develop the new site. The Corporation may also grant leases or licences or otherwise dispose of the site, so long as consistent with the operation of the markets.

Subsection (2) is a power for the Corporation to appoint another person to operate a market or manage the new site, and to delegate in writing functions consequential to that appointment, to such extent and subject to any conditions or restrictions that the Corporation considers appropriate.

Clause 11 provides that the Corporation may appoint the days and hours during which a market is held on the new site.

Clause 12 provides a power to issue fixed penalty notices for traffic offences on roads within the market on the new site or for breach of any byelaws.

Clause 13 enables authorised officers of the Corporation to require suspected offenders to give their name and address so that enforcement action may be taken.

Clause 14 introduces *Schedule 3* which contains amendments to Acts of Parliament applying to the London Central Markets taking effect from the appointed day.

Clause 15 introduces *Schedule 4* which contains repeals of various existing provisions applying to the markets. These repeals take effect from the relevant appointed day.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Mr. P. R. E. Double, the City Remembrancer, for the City of London Corporation, as the promoter of the Bill, has made the following statement required by Standing Order 38(3) of the Standing Orders relating to Private Business:

In my view the provisions of the City of London (Markets) Bill are compatible with the Convention Rights.

City of London (Markets) Bill

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B I L L

To make provision for the relocation of Billingsgate Market and the London Central Markets; and for connected purposes.

WHEREAS—

- (1) The City of London Corporation owns and operates Billingsgate Market and the London Central Markets:
- (2) The existing market sites and buildings are in need of major improvement works to meet modern market needs and practices:
- (3) The difficulty of undertaking the major improvement works on the existing sites of those markets, taken together with the location of the existing sites, makes it expedient that provision be made to permanently move the markets to a new site: 5
- (4) It is expedient that the markets should be relocated onto a single site where facilities that meet modern market needs and practices can be provided; and the availability of such a site in the London Borough of Barking and Dagenham means it is expedient that provision be made to move the markets to that site: 10
- (5) A map showing the new site of the markets has been deposited in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons, and in the respective offices of the Town Clerk of the City of London, the chief executive of the London Borough of Barking and Dagenham and the City Remembrancer at the Guildhall in the City: 15
- (6) It is expedient that the other provisions of this Act be enacted:
- (7) The objects of this Act cannot be obtained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Citation 5

This Act may be cited as the City of London (Markets) Act 202[X].

2 Interpretation

In this Act—

- “appointed day” has the meaning given in section 3;
- “authorised officer” means, in relation to any function, an officer or 10
employee of the Corporation, or other person acting under the control of
the Corporation, who is authorised in writing by the Corporation for the
purpose of the function concerned;
- “the Billingsgate Market Acts” means the enactments specified in Schedule 1,
as they have effect in accordance with section 15 and Schedule 4 (repeals); 15
- “the Corporation” means the Mayor and Commonalty and Citizens of the
City of London, acting by the Common Council;
- “existing site” means the site of a market existing immediately before an
appointed day;
- “the London Central Markets” has the meaning given by section 21 of the 20
London Central Markets Act 1875; and for the purposes of this Act the
markets designated collectively as the London Central Markets by virtue
of that section are to be treated as one market;
- “the London Central Markets Acts” means the enactments specified in
Schedule 2, as they have effect in accordance with section 14 and Schedule 25
3 (amendments), and section 15 and Schedule 4 (repeals);
- “the market Acts” means the Billingsgate Market Acts or the London Central
Markets Acts, as the case may be;
- “the markets” means Billingsgate Market and the London Central Markets;
and “a market” means either of the markets; 30
- “the new site” means, subject to sections 8(2) and 9(2), the land in the
London Borough of Barking and Dagenham within the limits shown on
the deposited map;
- “the Town Clerk” means the Town Clerk of the City of London.

3 Appointed day 35

In this Act, “appointed day” in respect of a market means such day as may be fixed by resolution of the Corporation as the day for the alteration of the site of that market in accordance with this Act.

4 Notification of appointed day

- (1) At least 90 days before an appointed day, the Corporation must publish notice 40
of the passing of the resolution fixing that appointed day, and of the appointed
day so fixed—

- (a) on its website,
 - (b) in a newspaper circulating in the City of London,
 - (c) in a newspaper circulating in the London Borough of Barking and Dagenham, and
 - (d) in a newspaper circulating in the London Borough of Tower Hamlets, if the appointed day relates to Billingsgate Market. 5
- (2) A photocopy or other reproduction certified by the Town Clerk to be a true copy of the page or part of a page of any newspaper bearing the date of its publication, and containing a notice mentioned in subsection (1), is to be taken as evidence of the publication of the notice and the date of publication. 10
- (3) A reproduction certified by the Town Clerk to be a true copy of part of the website of the Corporation on a particular date, and containing a notice mentioned in subsection (1) is to be taken as evidence of the publication of the notice on the website on that date.
- 5 The new site** 15
- (1) From the appointed day in respect of a market—
- (a) the new site is to be the site of that market,
 - (b) the land comprising the existing site of that market is released from any restriction, right or obligation (other than a restriction imposed by a lease) that attaches or relates to it, whether by virtue of any enactment or otherwise, by reason of its status or use as a market, 20
 - (c) the market Acts relevant to that market have effect as if for any reference in them to that market on its existing site there were substituted a reference to that market on the new site, and
 - (d) the privilege of the Corporation to hold that market is transferred to the new site. 25
- (2) From the appointed day that relates to the London Central Markets—
- (a) any restriction, right or obligation that attaches or relates to the land referred to in section 8 of the Metropolitan Meat and Poultry Market Act 1860 and section 12 of the Metropolitan Meat and Poultry Market (Western Approach) Act 1862 by virtue of those sections ceases to have effect, 30
 - (b) any provision of the Letters Patent granted by King Charles I on 18 October 1638 that restricts the status or use of that land ceases to have effect, and 35
 - (c) any customary or public rights (except highway rights) that attach or relate to that land, whether existing, accruing or otherwise arising, are extinguished.
- 6 Duty to offer accommodation**
- (1) Subject to subsection (4), within 28 days, beginning on the date on which notice of an appointed day first appears in accordance with section 4, the Corporation must offer accommodation within the new site to every person who immediately before the passing of this Act was— 40
- (a) occupying under a lease any part of the site of a market to which the appointed day relates, and 45

- (b) carrying on a business—
 - (i) as a market trader, or
 - (ii) otherwise related to the trade of that market.
- (2) The accommodation offered to a person in accordance with subsection (1) must, in so far as reasonably practicable, enable that person on and after the appointed day to carry on a business of a comparable size and type to that carried on immediately before the date of the passing of this Act. 5
- (3) An offer made to any person under subsection (1) may be withdrawn if it is not accepted within 28 days, beginning on the date on which the offer has been made. 10
- (4) Subsection (1) does not apply to a person who has entered into a written agreement with the Corporation for a lease at the new site before the passing of this Act.
- (5) In this section, “lease” means a periodic or fixed term tenancy to which security of tenure attaches under the Landlord and Tenant Act 1954. 15

7 Traffic regulation

- (1) Any person authorised by the Corporation to regulate traffic on the new site may give directions as to the movement, stopping, parking or placing for loading or unloading of any vehicle in the new site, on production of that person’s authority if required by any driver of a vehicle being so directed. 20
- (2) A driver of any vehicle who fails without reasonable excuse to comply with a direction given under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

8 Power to determine land not to be part of the new site

- (1) The Corporation may determine by resolution that any part of the new site which is not required for the purposes of a market is to cease to be a part of the new site from such date as it determines. 25
- (2) From such date as the Corporation determines under subsection (1)—
 - (a) the land to which the determination relates is released from any restriction, right or obligation that attaches or relates to it, and 30
 - (b) references in this Act to the new site are to be read accordingly.
- (3) In subsection (2), “any restriction, right or obligation”—
 - (a) means any restriction, right or obligation by virtue of this Act or any other enactment, or otherwise, by reason of its status or use as a market, but 35
 - (b) does not include such a restriction or obligation imposed by a lease.

9 Power to incorporate land into the new site

- (1) The Corporation may determine by resolution that designated land will form part of the new site from such date as it determines.

- (2) From such date as the Corporation determines under subsection (1)—
- (a) the designated land to which the determination relates is incorporated into the new site, and
 - (b) references in this Act to the new site are to be read accordingly.
- (3) In this section “designated land” means land—
- (a) which adjoins the new site, and
 - (b) in respect of which the Corporation has—
 - (i) a legal estate, or
 - (ii) the written agreement of a person who has a legal estate in the land, and whose agreement is necessary to operate a market on that land.

10 Powers in respect of the new site

- (1) Without prejudice to any other powers available to it, the Corporation may—
- (a) use, lay out and develop the new site for the purposes of a market, or for any other purpose that is consistent with the operation of the markets,
 - (b) provide, maintain, alter or improve any market facility on the new site,
 - (c) permit any market facility to be used for any purpose that is consistent with the operation of the markets,
 - (d) grant a lease or licence in respect of any part of the new site (including any market facility) for the purposes of a market, or for any other purpose that is consistent with the operation of the markets, and
 - (e) sell, lease, exchange or otherwise dispose of the new site, or part of it, in such manner and for such consideration as it determines but only insofar as any sale, lease, exchange or disposal is consistent with the operation of the markets.
- (2) The Corporation may—
- (a) appoint another person to operate a market or manage the new site, and
 - (b) delegate in writing any of its functions consequential on such an appointment to that person,
- to such extent, and subject to such conditions and restrictions, as the Corporation considers appropriate.
- (3) In this section “market facility” means any market place, market house, building or other facility used or intended to be used for the purposes of a market.

11 Market opening hours and days

The Corporation may appoint the days on which, and the hours during which, a market is to be held on the new site, and different days and hours may be appointed for either market.

12 Fixed penalty notices

- (1) An authorised officer may issue a fixed penalty notice to any person who the officer has reason to believe has committed an offence under section 7, or byelaws made under any of the market Acts.

- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to be convicted of the offence by payment of a fixed penalty to the Corporation.
- (3) A fixed penalty notice must be in writing and state—
- (a) the particulars of the circumstances alleged to constitute the offence, 5
 - (b) the amount of the fixed penalty,
 - (c) the effect of subsection (6),
 - (d) the name and address of the person to whom payment of the fixed penalty may be sent, and
 - (e) the permissible methods of payment. 10
- (4) A fixed penalty notice may be issued in person or by post and must identify by name the person to whom it is issued, unless the authorised officer cannot reasonably ascertain the person's name.
- (5) Where a fixed penalty notice is issued by post, it is deemed as having been served on the second business day after it was posted. 15
- (6) Where a person is issued with a fixed penalty notice—
- (a) no proceedings may be taken in respect of the alleged offence in relation to which the notice was issued before the end of the period of 14 days, beginning with the date on which the notice was issued, and
 - (b) the person may not be convicted of that offence if the fixed penalty is paid before the end of that period. 20
- (7) The amount specified in subsection (3)(b) is to be an amount prescribed by the Corporation, which—
- (a) may prescribe different amounts in relation to different classes of cases, but
 - (b) may not prescribe an amount exceeding level 1 on the standard scale. 25
- (8) In any proceedings, a certificate that—
- (a) purports to be signed by or on behalf of the officer responsible for the Corporation's financial affairs, and
 - (b) states that payment of a fixed penalty was or was not received by the date specified in the certificate, 30
- is evidence of the facts stated.

13 Power to require name and address

- (1) An authorised officer who has reason to believe that a person ("P") has committed an offence under section 7, or contrary to byelaws made under any of the market Acts, may require P to give P's name and address with a view to—
- (a) the service of a summons on P, or
 - (b) the issuing of a fixed penalty notice to P under section 12. 35
- (2) A person who, without reasonable excuse, fails to provide information required under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 40

14 Amendments to the London Central Markets Acts

Schedule 3 contains amendments which have effect from the appointed day in respect of the London Central Markets.

15 Repeals

- (1) The enactments listed in Schedule 4 are repealed to the extent specified in that Schedule. 5
- (2) The repeals listed in Part 1 of Schedule 4 have effect on the appointed day in respect of Billingsgate Market.
- (3) The repeals listed in Part 2 of Schedule 4 have effect on the appointed day in respect of the London Central Markets. 10

SCHEDULE 1

Section 2

BILLINGSGATE MARKET ACTS

(1) Chapter	(2) Short title	
1846 (c. cccxlvii)	Billingsgate Market Act 1846	5
1963 (c. xxxiv)	Section 31, so far as applying to Billingsgate Market, of the City of London (Various Powers) Act 1963	
1973 (c. xx)	Section 4 of the City of London (Various Powers) Act 1973	10

SCHEDULE 2

Section 2

LONDON CENTRAL MARKETS ACTS

(1) Chapter	(2) Short title	
1860 (c. cxci)	The Metropolitan Meat and Poultry Market Act 1860	15
1875 (c. lix)	The London Central Markets Act 1875	
1886 (c. viii)	The London Central Markets Act 1886	20
1963 (c. xxxiv)	Section 31, so far as applying to the London Central Markets, of the City of London (Various Powers) Act 1963	

SCHEDULE 3

Section 14

AMENDMENTS

LONDON CENTRAL MARKETS

The Metropolitan Meat and Poultry Market Act 1860 (c. cxciiii)

- 1 The Metropolitan Meat and Poultry Market Act 1860 is amended as follows. 5
- 2 In section 9 (appropriation of part of site of Smithfield Market)—
- (a) for “and they are hereby authorized to appropriate for the Purposes of this Act that Part of the ancient Site of Smithfield Market which is situate on the North Side of Long Lane, or any Part of such Site and to erect, build, construct, and”, substitute “to”, 10
 - (b) for “Site so appropriated, or on any Part thereof, and on the Land by this Act authorized to be taken,”, substitute “new site as defined in section 2 of the City of London (Markets) Act 202[X]”,
 - (c) omit “House and Market Place or Market Houses or Market Places,” 15
 - (d) for “in the Situation delineated on the Maps and Plans so deposited as aforesaid, together with such Houses, Shops, Stalls, Standings, Sheds, Buildings, Works and Conveniences for the Purposes of the said Markets, and for the Accommodation of Persons resorting thereto, as they the Mayor, Aldermen, and Commons may think necessary, all which”, substitute “and the”, 20
 - (e) omit “Houses and Market Places”, and
 - (f) for “Public Markets”, substitute “a public market”.
- 3 In section 14 (soil of streets surrounding market vested in Corporation)—
- (a) before “said Market”, insert “existing site of the”, and 25
 - (b) at the end of the section insert “and in this section “the existing site” means the site of the London Central Markets immediately before the appointed day, as defined in section 2 of the City of London (Markets) Act 202[X].”.

The London Central Markets Act 1875 (c. lix) 30

- 4 In section 11 (power to establish fruit, vegetable and flower market) of the London Central Markets Act 1875—
- (a) for “lands acquired or appropriated by them under this Act”, substitute “the new site as defined in section 2 of the City of London (Markets) Act 202[X]”, and 35
 - (b) omit “and may thereon and in connexion therewith erect and do all buildings and works necessary and convenient for the establishment, maintenance, and management of that market”.

The London Central Markets Act 1886 (c. viiii)

- 5 In section 6 (power to convert London Central Fish Market into a general market) of the London Central Markets Act 1886— 40
- (a) for “any land authorised” to “respectively”, substitute “the new site as defined in section 2 of the City of London (Markets) Act 202[X]”, and

- (b) omit “and may thereon and in connexion therewith erect and do all buildings and works necessary and convenient for the establishment maintenance and management of that market”.

SCHEDULE 4

Section 15

REPEALS

Part 1**Billingsgate Market Repeals**

(1) Chapter	(2) Short title	(3) Extent of repeal	5
1846 (c. cccxlvii)	Billingsgate Market Act 1846	In section 2, the words “, or of the Deputy Oyster Meters of the said City”.	
		Sections 3 to 5.	
		In section 7, the words “, except Sunday,”.	10
		Sections 9, 10 and 11.	
		In section 12, the words “and for collecting the Toll to be paid,” and “the levying of the said Tolls, and”.	
		Section 25.	15
		In section 26, the words “; and on complaint being made” to the end of the section.	
		Sections 27, 28 and 30.	
		Schedule.	
1871 (c.lv)	Billingsgate Market Act 1871	The Whole Act.	20
1920 (c. xxvii)	City of London (Various Powers) Act 1920	Section 10.	
1969 (c. xxxix)	City of London (Various Powers) Act 1969	Section 11.	25
1973 (c. xx)	City of London (Various Powers) Act 1973	Sections 3 and 6	
1979 (c. xxiv)	City of London (Various Powers) Act 1979	Sections 10 to 17 and 22.	
		Schedules 1 and 2.	30
1987 (c. xv)	City of London (Various Powers) Act 1987	Sections 3, 4 and 5.	
1990 (c. xxiv)	City of London (Various Powers) Act 1990	Section 15.	

Part 2
London Central Markets Repeals

(1) Chapter	(2) Short title	(3) Extent of repeal	
1860 (c. cxci)	Metropolitan Meat and Poultry Market Act 1860	Sections 2 to 8 and 10.	5
		Sections 12 and 13 and 15 to 30.	
		In section 31 the words “to regulate the Payment of Toll, and to prevent the Evasion of Toll;”.	10
		Sections 32 to 34.	
		In section 35 the words— “and Tables of Tolls for the Time being payable under this Act in respect of the said Market;”, “or in respect of which such Tolls are payable;”, “and Tolls”, and “and payable”.	15
		Sections 36 to 38 and 40 to 42.	20
1862 (c. clxxiv)	Metropolitan Meat and Poultry Market (Western Approach) Act 1862	In section 44, the words— “, and of the Table of Tolls and Payments;”, “, and of the fixing and Existence of such Table of Tolls and Payments respectively;”, and “and Table of Tolls and Payments respectively”.	25
		Schedules A, B and C.	
		The whole Act.	30
1864 (c. xv)	Metropolitan Meat and Poultry Market (Borrowing) Act 1864	The whole Act.	
1875 (c. lix)	London Central Markets Act 1875	Sections 2 to 10, 12 to 20, 23 to 26, 28 and 32 to 42.	35

1882 (c. civ)	Metropolitan Markets (Fish &c.) Act 1882	The whole Act.	
1886 (c. viii)	London Central Markets Act 1886	Sections 2 to 5 and 8 to 21.	
1956 (c. l)	City of London (Various Powers) Act 1956	Section 11.	5

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SESSION 2022–23

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